

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN D. KNECHT,

Plaintiff,

v.

FIDELITY NATIONAL TITLE
INSURANCE COMPANY, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS INC., DEUTSCHE BANK
NATIONAL TRUST CO. AS TRUSTEE
FOR GSR MORTGAGE LOAN TRUST
2006-0A1, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2006-0A1, AMERICAN HOME
MORTGAGE SERVICING INC.,

Defendants.

No. 2:12-cv-1575

NOTICE OF REMOVAL

TO: The Clerk, United States District Court
for the Western District of Washington at Seattle

1. Removal of State Court Action

This action is removed to this Court by Defendants Mortgage Electronic Registration Systems Inc. ("MERS"); American Home Mortgage Servicing Inc., now known as Homeward Residential Inc. ("Homeward"); and Deutsche Bank National Trust Co., as Trustee for GSR Mortgage Loan Trust 2006-0A1, Mortgage Pass-Through Certificates Series 2006-0A1

NOTICE OF REMOVAL
(NO. 2:12-CV-1575) – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 ("Deutsche Bank"). MERS, Homeward and Deutsche Bank are collectively referred to in this
 2 Notice as Defendants.
 3

4 Defendants are parties to this civil action filed on August 24, 2012, and currently pending
 5 in the Superior Court of the State of Washington for King County, as Cause No. 12-2-28165-3.
 6 Through this Notice, Defendants remove this action to this Court from the Superior Court of the
 7 State of Washington for King County. All defendants that have been properly served and joined
 8 consent in this request for removal.
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10 **2. Basis for Jurisdiction in Federal Court**

11 This court has original jurisdiction of this action pursuant to 28 U.S.C. § 1332 (Diversity
 12 Jurisdiction).
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14 The Plaintiff and all of the defendants are citizens of different states. Plaintiff at all
 15 relevant times has been a resident of the State of Washington. *See* Complaint, ¶ 1. Defendant
 16 MERS is and has been since this action was commenced, a corporation incorporated in the State
 17 of Delaware with its principal place of business in Virginia. *Id.*, ¶ 3. Defendant Homeward is
 18 and has been since this action was commenced, a corporation incorporated in the State of
 19 Delaware with its principal place of business in Coppell, Texas, and is not a citizen of the State
 20 of Washington. *See Id.*, ¶ 5 and Homeward Corporate Disclosure Statement filed herewith.
 21 Defendant Fidelity National Title Insurance Company¹ is and has been since this action was
 22 commenced, a corporation incorporated in the State of California with its principal place of
 23 business in California. Exhibit A hereto.
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¹ Plaintiff has not filed an Affidavit of Service or other proof that defendant Fidelity National Title Insurance Company has been served with the Complaint, nor has that defendant appeared in this action.

The amount in controversy exceeds \$75,000. " 'In actions seeking declaratory or injunctive relief, it is well established that the amount in controversy is measured by the value of the object of the litigation.' " *Cohn v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir.2002) (quoting *Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333, 347 (1997)). This action concerns a \$315,000.00 mortgage loan secured by real property in King County, Washington. Complaint ¶ 1 & Exhibit A, p. 2 (Deed of Trust). Plaintiff's Complaint alleges a number of claims for relief relating to the assignment of the deed of trust and related recordings; foreclosure; and efforts to collect the loan. The Complaint seeks injunctive relief, quiet title, statutory damages, and economic damages. The Complaint seeks a judgment that the Deed of Trust securing the \$315,000 loan is void; and quieting title to Plaintiff as to all rights, title and interest in the subject real property free and clear of any of Defendants' interest. Thus, the object of the litigation is, at a minimum, the deed of trust securing a \$315,000 loan. Further, Plaintiff seeks an unquantified award of statutory damages and economic damages.

This Court has original jurisdiction over the subject matter of this action under 28 U.S.C. § 1332 because the plaintiff and the defendants are citizens of different states and the amount in controversy is in excess of \$75,000, exclusive of costs and interest.

3. Propriety of Removal

This action is removable to this Court under 28 U.S.C. § 1441 because this Court would have had original jurisdiction over plaintiff's claims had plaintiff elected to file the action initially in federal court. This Court is the United States District Court for the district and division embracing the place where the state court action is pending, and is therefore the appropriate court for removal pursuant to 28 U.S.C. § 1441(a).

4. Receipt of Initial Pleading and Timeliness of Removal

On August 27, 2012, Defendant MERS and Deutsche Bank were served with a copy of the Summons and Complaint in this action. Plaintiff served Homeward on September 7, 2012. This notice is filed within thirty (30) days of such receipt as required by 28 U.S.C. § 1446(b).

5. The State-Court Complaint and other Pleadings

Attached to this Notice is a true copy of the Complaint which plaintiff served on Defendants in the action pending in state court. All other process, pleadings or orders served on defendant or filed in the state court in this action are attached to the Verification of State Court Records filed with this Notice.

DATED this 17th day of September, 2012.

By: s/ Frederick B. Rivera
Frederick B. Rivera #23008
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
Email: FRivera@perkinscoie.com

Attorneys for Defendants Mortgage Electronic
Registration Systems Inc., Deutsche Bank
National Trust Co. as Trustee for GSR
Mortgage Loan Trust 2006-0A1, Mortgage
Pass-Through Certificates, Series 2006-0A1,
and American Home Mortgage Servicing Inc.
(now known as Homeward Residential Inc.)

CERTIFICATE OF SERVICE

On September 17, 2012, I caused to be served upon counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the following documents: **Notice of Removal**

Scott E. Stafne
Stafne Law Firm
239 N. Olympia Avenue
Arlington, WA 98223

Attorney for Plaintiff

- ☐ Via hand delivery
- ☐ Via U.S. Mail, 1st Class,
Postage Prepaid
- ☐ Via Overnight Delivery
- ☐ Via Facsimile
- ☒ Via E-filing

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, September 17, 2012.

By: s/ Frederick B. Rivera
Frederick B. Rivera #23008
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000
Email: FRivera@perkinscoie.com

Attorneys for Defendants Mortgage Electronic
Registration Systems Inc., Deutsche Bank
National Trust Co. as Trustee for GSR
Mortgage Loan Trust 2006-0A1, Mortgage
Pass-Through Certificates, Series 2006-0A1,
and American Home Mortgage Servicing Inc.
(now known as Homeward Residential Inc.)